Customs Bulletin

Regulations, Rulings, Decisions, and Notices concerning Customs and related matters

and Decisions

of the United States Court of Appeals for the Federal Circuit and the United States Court of International Trade

Vol. 23 JULY 5, 1989 No. 27

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U.S. Customs Service
T.D. 89–61 and 89–62

THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 89-61)

SYNOPSES OF DRAWBACK DECISIONS

The following are synopses of drawback authorizations issued February 29, 1988, to February 13, 1989, inclusive, pursuant to Subpart C, Part 191, Customs Regulations.

In the synopses below are listed for each drawback rate approved under 19 U.S.C. 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner to whom the rate was forwarded or issued by, and the date on which it was issued.

(DRA-1-09)
Dated: June 19, 1989.
File: 221448

JOHN DURANT,
Director,
Commercial Rulings Division.

(A) Company: Abbott Laboratories
Articles: Intravenous solutions
Merchandise: Dextrose, USP, powder, hydrous
Factories: North Chicago, IL (2)
Statement signed: November 7, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: Chicago, February 13, 1989

(B) Company: Aectra Refining & Marketing, Inc.
Articles: Various intermediate and finished petroleum products
Merchandise: Alkylates; natural gasoline; C-9 aromatics
Factories: Deer Park, Galena Park, Pasadena, Houston & Port Neches, TX; Carterest, NJ
Statement signed: March 23, 1988
Basis of claim: Appearing in
Rate forwarded to RC of Customs: Houston, November 17, 1988

(C) Company: Allegheny Ludlum Corp.
Articles: Stainless steel products
Merchandise: Low and high carbon ferro-chrome; standard high carbon manganese; silicon manganese
Factories: Brackenridge, Leechburg & Vandergrift, PA; New Castle, IN; Wallingford, CT; Claremore, OK; Lockport, NY
Statement signed: August 22, 1988
Basis of claim: Appearing in
Rate forwarded to RC of Customs: New York, January 17, 1989
Revokes: T.D. 83-259-A

(D) Company: Axel Johnson Metals, Inc.
Articles: Titanium and titanium alloy ingots, slabs and mill products, such as billet, bar, sheet, strip, skelp, tube
Merchandise: Titanium sponge and on a pound for pound basis of the titanium content in titanium alloy scrap for designated titanium sponge
Factories: Lionville & Morgantown, PA
Statement signed: August 23, 1988
Basis of claim: Appearing in
Rate issued by RC of Customs in accordance with § 191.25(b)(2): New York, January 18, 1989
Revokes: T.D. 89-32-O to cover name change from A. Johnson Metals Corp.

(E) Company: BASF Corporation
Articles: 2 ethyl hexyl acrylate
Merchandise: 2-ethylhexanol
Factories: Freeport, TX, Kearny, NJ
Statement signed: January 15, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, January 17, 1989

(F) Company: BASF Corporation
Articles: Palatinol N (Di-isononyl phthalate)
Merchandise: Isononanol (Nonanol)
Factory: South Kearny, NJ
Statement signed: January 15, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, January 27, 1989

(G) Company: BASF Corporation
Articles: Vitamin A feed powders (A650, A500, A650/D-325)
Merchandise: Vitamin A acetate
Factory: Wyandotte, MI
Statement signed: September 6, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, January 24, 1989
Revokes: T.D. 83-258-C (BASF Wyandotte Corp.)

(H) Company: Beatrice/Hunt-Wesson, Inc.
Articles: Tomato paste products; industrial bulk tomato paste
Merchandise: Tomato paste
Factories: Archbold & Perrysburg, OH; Davis, Oakdale & Fullerton, CA; San Antonio, TX; Mesa, AZ
Statement signed: September 28, 1988
Basis of claim: Appearing in
Rate issued by RC of Customs in accordance with § 191.25(b)(2): Los Angeles (San Francisco Liquidation), October 13, 1988
Revokes: T.D. 89–54–B to cover additional factories

(I) Company: Burlington Industries, Inc.
Articles: Dyed and undyed texturized polyester, nylon and acetate yarn
Merchandise: Undyed polyester filament yarn; undyed texturized polyester yarn; undyed nylon filament yarn, undyed texturized nylon yarn; undyed acetate filament yarn; undyed texturized acetate yarn
Factories: Oxford, Wilson, Mayodan, Goldsboro, Madison, High Point, Stoneville & Graham, NC; Mountain City, TN; Milledgeville, GA
Statement signed: February 5, 1988
Basis of claim: Appearing in
Rate issued by RC of Customs in accordance with § 191.25(b)(2): New York, February 29, 1988
Revokes: T.D. 78–94–F to cover an additional factory

(J) Company: D & W Carpet & Rug Co., Inc.
Articles: Tufted polypropylene carpet
Merchandise: Polypropylene/olefin yarn
Factory: Eton, GA
Statement signed: April 29, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: Miami, January 6, 1989

(K) Company: The Dow Chemical Co.
Articles: ZIPLOC ™ plastic sandwich bags
Merchandise: Low density polyethylene
Factories: Bay City, MI; Fresno, CA
Statement signed: November 1, 1988
Basis of claim: Used in, less valuable waste
Rate forwarded to RCs of Customs: Houston & Chicago, December 7, 1988

(L) Company: The Dow Chemical Co.
Articles: ZIPLOC ™ plastic storage bags
Merchandise: Low density polyethylene
Factories: Bay City, MI; Fresno, CA
Statement signed: November 1, 1988
Basis of claim: Used in, less valuable waste

Rate forwarded to RCs of Customs: Houston & Chicago, December 7, 1988

(M) Company: Ethyl Corporation
Articles: Di-tertiarybutyl phenol
Merchandise: Phenol
Factory: Orangeburg, SC
Statement signed: July 26, 1988
Basis of claim: Appearing in
Rate forwarded to RC of Customs: New York, January 24, 1989

(N) Company: GAF Chemicals Corp.
Articles: Various articles as listed in manufacturer's statement
Merchandise: 1,4 butanediol (B_1D)
Factories: Linden, NJ; Texas City, TX; Calvert City, KY
Statement signed: May 12, 1988
Basis of claim: Used in
Rate issued by RC of Customs in accordance with § 191.25(b)(2): New York, May 3, 1989
Revokes: T.D. 78–254–M to cover name change from GAF Corp.

(O) Company: Georgia Gulf Corp.
Articles: Polyvinyl chloride (PVC) emulsion resins
Merchandise: Emulsifier K–30
Factory: Delaware City, DE
Statement signed: July 26, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, December 5, 1988

(P) Company: The Goodyear Tire & Rubber Co.
Articles: Cleartuf 7207, 8006, 8002, 8007, 8406 and 7207E; Vituf 9504 and 9506
Merchandise: Polyester feed resin
Factories: Apple Grove, WV; Scottsboro, AL
Statement signed: January 15, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, January 5, 1989

(Q) Company: The Goodyear Tire & Rubber Co., Chemical Div.
Articles: Tires
Merchandise: Isoprene, hydroquinone; para-cresol
Factories: Akron, OH; Cartersville & Calhoun, GA; Danville, VA; Decatur, Gadsden & Scottsboro, AL; Lawton, OK; Topeka, KS; Union City, TN; Houston, Beaumont & Bayport, TX; Niagara Falls, NY; Pt. Pleasant, WV
Statement signed: September 14, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, January 17, 1989

(R) Company: Hoechst Celanese Chemical Group, Inc.
Articles: Acetic acid; vinyl acetate; methyl acrylate; formaldehyde (crude, finished & merchant grades); paraformaldehyde; Formcel® methyl alcohol solution; Formcel® normal butyl alcohol solution; methyl formate; methylal (dimethoxymethane); ethyl acetate; propyl acetate; butyl acetate; isobutyl acetate; acetic anhydride; trimethylolpropane (TMP); pentaerythritol (PE); pentaerythritol triacrylate (PETA), trimethylolpropane triacrylate (TMPTA); trimethylolpropane trimethyacrylate (TMPTMA); cellulose acetate flake, cellulose acetate cigarette tow; cellulose acetate filament yarn; cellulose acetate staple fiber, cellulose acetate fiber batting; cellulose acetate molding material; cellulose acetate extruded sheeting; cellulose acetate cast products; cellulose triacetate flake, yarn, and staple fiber; acetal copolymer (CELCON®)
Merchandise: Methanol
Factories: Bay City, Houston, Bishop, & Pampa, TX; Newark, NJ; Cumberland, MD; Rock Hill, SC; Narrows, VA
Statement signed: April 12, 1988
Basis of claim: Used in; appearing in when valuable wastes exist
Rate issued by RC of Customs in accordance with § 191.25(b)(2): New York, May 3, 1988
Revokes: T.D. 88–76–I to cover successorship from Celanese Chemical Co., Inc.

(S) Company: ICI Americas, Inc.
Articles: Rubiflex & acoustiflex products
Merchandise: High POE triol; trichlorofluoromethane; diethylene ethylene adipate compounds
Factories: New Castle, DE; West Deptford, NJ
Statement signed: November 28, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: Boston (Baltimore Liquidation Unit), January 17, 1989

(T) Company: Ilco Unican Corp.
Articles: Brass key punchings and brass key blanks with either a brass lacquer or nickel plated finish
Merchandise: Brass strip
Factories: Rocky Mount, NC
Statement signed: June 28, 1988
Basis of claim: Appearing in
Rate forwarded to RC of Customs: Miami, January 17, 1989

(U) Company: Monsanto Co.
Articles: Various Lustran trademark products
Merchandise: Lustran ABS CLP 670 polymer, ABS CN88 polymer, ABS CD 704, ABS CD 803
Factories: Addyston, OH; Muscatine, IA
Statement signed: September 13, 1988

Basis of claim: Appearing in
Rate forwarded to RCs of Customs: Chicago & New York, January 24, 1989
Revokes: T.D. 84–169–P and unpublished authorization of March 2, 1988

(V) Company: Pennfield Oil Co., Inc.
Articles: Various formulations of vitamin E powder
Merchandise: Vitamin E oil (D L alpha tocopheryl acetate)
Factories: Omaha, NB
Statement signed: March 28, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, December 19, 1988

(W) Company: Precision Fabrics Group, Inc.
Articles: Greige nylon fabric in various widths; greige polyester fabric in various widths
Merchandise: Nylon yarn; polyester yarn
Factories: Vinton, VA; Greensboro & Jamestown, NC
Statement signed: August 11, 1988
Basis of claim: Appearing in
Rate forwarded to RC of Customs: New York, January 17, 1989

(X) Company: Rhone-Poulenc, Inc.
Articles: Polyurethane paint additives and elastomer additives
Merchandise: Tononate® HD
Factories: Freeport, TX
Statement signed: April 14, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, December 30, 1988
Revokes: Unpublished authorization of September 12, 1988

(Y) Company: Schering Antibiotic Corp.
Articles: Gentamicin sulfate
Merchandise: White potato dextrin
Factory: Manati, PR
Statement signed: July 21, 1988
Basis of claim: Used in
Rate forwarded to RC of Customs: New York, December 19, 1988

(Z) Company: Teledyne Industries, Inc., Teledyne Firth Sterling Div.
Articles: Blended tungsten grade powder; blended grade tungsten carbide powder; tungsten ingots, bars, tablets, rods, wire, granules, rounds, electrodes, extrusions, and various other fabrications; tungsten carbide granules, tool bits, nibs, dies, shapes, forms and extrusions including armament projectiles and cores
Merchandise: Tungsten concentrates; ferrotungsten and tungsten alloy steel ingots; ammonium paratungstate (APT); tungstic oxide; tungstic acid; tungsten metal powder· tungsten carbide powder (TCP)

Factories: Grant and Gurley (2), AL; Addison, IL; LaVergne, TN
Statement signed: July 11, 1988
Basis of claim: Appearing in
Rate issued by RC of Customs in accordance with § 191.25(b)(2): New York, August 5, 1988
Revokes: T.D. 80–200–V to reflect change in factory locations

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19 CFR Part 101

(T.D. 89–62)

CONSOLIDATION OF TAMPA, ST. PETERSBURG, AND PORT MANATEE, FL, FOR MARINE PURPOSES

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document consolidates the ports of entry of Tampa, St. Petersburg, and Port Manatee, Florida, for marine purposes only. This change will enable Customs to obtain more efficient use of its personnel, facilities, and resources, without impairing services to area businesses or the general public. Moreover, it will simplify vessel entry and clearance procedures and reduce expenses and paperwork for all parties involved, thereby enabling Customs to provide better and more economical service to carriers, importers, and the public.

EFFECTIVE DATE: June 26, 1989.

FOR FURTHER INFORMATION CONTACT: Joseph O'Gorman, Office of Inspection and Control, (202–566–9425).

SUPPLEMENTARY INFORMATION:

BACKGROUND

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, by notice published in the Federal Register on December 12, 1988 (53 FR 49892), it was proposed to consolidate the ports of entry of Tampa, St. Petersburg, and Port Manatee, Florida, for marine purposes only. The change would enable Customs to obtain more efficient use of its personnel, facilities and resources. Because of the close proximity of the respective ports of entry in the Tampa Bay area, and similar services performed, it was estimated that the proposed consolidation would significantly reduce costs without impairing Customs ability to provide services to area businesses and to the general public.

Under the proposal, each of the ports, Tampa, St. Petersburg, and Port Manatee, would retain its port code and geographic limits. Although each port would retain its identity, the three ports would be designated as a consolidated port in Tampa Bay for purposes of vessel arrival, and entry and clearance laws, which would benefit all the ports. In order to avoid obtaining necessary permits for each port visited, the original vessel's entry documentation would describe the ports which the vessel intended to visit and the cargo to be unladen at each location. Further, the three ports would be considered to be one port for the purposes of the navigation laws. However, all the requirements prescribed by the navigation laws administered and enforced by Customs would have to be complied with, as is now the case in existing consolidated ports.

It is anticipated that the consolidation will also result in reducing penalties incurred under the navigation laws if carriers fail to enter and properly clear merchandise being shipped in a residue cargo movement within the consolidated marine port, and will reduce paperwork for carriers, importers and Customs. No comments were received in response to the notice proposing this change. Accordingly, after further review of the matter, Customs has determined that it is in the public interest to adopt the change as proposed.

Executive Order 12291 and Regulatory Flexibility Act

Because this document relates to agency organization it is not subject to E.O. 12291. Accordingly, a regulatory impact analysis and the review prescribed by that E.O. are not required. Similarly, this document is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Drafting Information

The principal author of this document was Earl Martin, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organizations and functions (Government agencies).

PART 101—GENERAL PROVISIONS

1. The authority citation for Part 101 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 2, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1623, 1624.

§ 101.3 [Amended]

2. The list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended as follows:

In the Southeast Region—Miami, Fla., under the column headed "Name and headquarters," the following phrase would be added under the listing "Tampa, Fla.":

(The ports of Tampa, St. Petersburg, and Port Manatee, consolidated for purposes of the navigation laws. See T.D. 89-62)

MICHAEL H. LANE,
Acting Commissioner of Customs.

Approved: June 20, 1989.

SALVATORE R. MARTOCHE,
Assistant Secretary of the Treasury.

[Published in the Federal Register, June 26, 1989 (54 FR 26731)]

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*U.S. G.P.O. 1989-241-040:80048